

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CALVIN MERRITTE,

Plaintiff,

v.

C/O KESSELL, *et al.*,

Defendants.

Case No. 12-cv-263-JPG-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiff Calvin Merritte's motion to voluntarily dismiss his claims against defendant Tim Breeden (Doc. 105) pursuant to Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case signed by all the parties. No party has objected to the dismissal of Breeden from this case. Accordingly, the Court **GRANTS** the motion (Doc. 105), **DISMISSES** Merritte's claims in this case against Breeden **without prejudice**, and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

**IT IS SO ORDERED.**

**DATED: August 25, 2014**

s/J. Phil Gilbert

**J. PHIL GILBERT**  
**DISTRICT JUDGE**